

**ORIGINAL**

(Rev. 5/05)

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

(1) GLEN SLOMAN # 023536  
 (Name of Plaintiff) (Inmate Number)  
S.C.A.  
P.O. Box 500  
GEORGETOWN, DE 19947  
 (Complete Address with zip code)

(2) \_\_\_\_\_  
 (Name of Plaintiff) (Inmate Number)  
 \_\_\_\_\_  
 (Complete Address with zip code)

(Each named party must be listed, and all names  
must be printed or typed. Use additional sheets if needed)

vs.

(1) RICK KEARNLEY  
 (2) PAT DITTO  
 (3) TERRY MILLER  
 (Names of Defendants)

(Each named party must be listed, and all names  
must be printed or typed. Use additional sheets if needed)

**I. PREVIOUS LAWSUITS**

- A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

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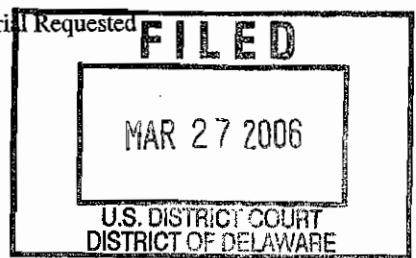
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(Case Number)  
(to be assigned by U.S. District Court)

**CIVIL COMPLAINT**

• • Jury Trial Requested



(4) JAMES DEEL (6) MELVIN HENNESSY

(5) NANCY THOMAS

(NAMES OF DEFENDANTS)

III

DEFENDANTS (IN ORDER LISTED ON THE CAPTION)

(4) NAME OF FOURTH DEFENDANT: JAMES DEEL

EMPLOYED AS COUNSELOR AT SUSSEX CORRECTIONAL INST.

MAIL ADDRESS WITH ZIP CODE: P.O. BOX 500

GEORGETOWN, DE 19947

(5) NAME OF FIFTH DEFENDANT: NANCY THOMAS

EMPLOYED AS COUNSELOR AT SUSSEX CORRECTIONAL INST.

MAIL ADDRESS WITH ZIP CODE: P.O. BOX 500

GEORGETOWN, DE 19947

(6) NAME OF SIXTH DEFENDANT: MELVIN HENNESSY

EMPLOYED AS LIEUTENANT % AT SUSSEX CORRECTIONAL INST.

MAIL ADDRESS WITH ZIP CODE: P.O. BOX 500

GEORGETOWN, DE 19947

## II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution?  Yes • No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims?  Yes • No
- C. If your answer to "B" is Yes:
  1. What steps did you take? FILED A GRIEVANCE AND WROTE  
THE WARDEN
  2. What was the result? GRIEVANCE RETURNED NON-GRIEVABLE  
WARDEN TRIED TO JUSTIFY EMPLOYEES ACTIONS
- D. If your answer to "B" is No, explain why not: \_\_\_\_\_

## III. DEFENDANTS (in order listed on the caption)

- (1) Name of first defendant: RICK KEARNEY  
 Employed as WARDEN at SUSSEX CORRECTIONAL INST.  
 Mailing address with zip code: P.O. BOX 500  
GEORGETOWN, DE 19947
  - (2) Name of second defendant: PAT DITTO  
 Employed as TREATMENT SERVICES ADMIN. at SUSSEX CORRECTIONAL INST.  
 Mailing address with zip code: P.O. BOX 500  
GEORGETOWN, DE 19947
  - (3) Name of third defendant: TERRY MILLER  
 Employed as COUNSELOR at SUSSEX CORRECTIONAL INST.  
 Mailing address with zip code: P.O. BOX 500  
GEORGETOWN, DE 19947
- (List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

**IV. STATEMENT OF CLAIM**

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

1.

PLEASE REFER TO EXTRA SHEETS

ATTACHED

2.

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3.

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**V. RELIEF**

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

1.

TO BE AWARDED FOR THE UNJUST SANCTION

I SERVICED - \$10,000 FOR THE 10 DAYS OF ISOLATED  
CONFINEMENT - \$40,000 FOR THE 80 DAYS OF LOSS  
OF ALL PRIVILEGES

#### IV. STATEMENT OF CLAIM

- (1) - MY INCARCERATION BEGAN AT S.C.I. ON 8-19-05.
- (2) - 9-2-05, I WAS INFORMED BY COUNSELOR NANCY THOMAS & STAFF (I.C.B.) OF THEIR CLASSIFICATION RECOMMENDATIONS FOR ME AND THAT I WOULD BE NOTIFIED OF THE C.I.C.C. DECISIONS IN ONE TO TWO WEEKS. I LIKE TO NOTE THAT DURING THIS MEETING, I FAVERED ONE OF THE RECOMMENDATIONS GREATLY AND AFTER THE MEETING MRS. THOMAS SUGGESTED THAT I WRITE TO THE I.B.B.C. WITH SOME GOOD REASONS FOR ITS APPROVAL MIGHT HELP. I DID THIS LATER THAT DAY.
- (3) - 9-9-05, THERE WAS SOME CONFUSION TO WHY I WAS TRANSFERRED TO THE GREENTREE PROGRAM (MIN. BLDG.). COUNSELOR RAE BALLARD HOPED TO STRAIGHTEN THE MATTER OUT BY MONDAY.
- (4) - 9-12-05, I WAS TOLD BY MRS. BALLARD THAT I WAS CLASSIFIED TO THE GREENTREE PROGRAM AND ASKED TO SIGN THE PROGRAMS CONTRACT AND IF I DID NOT SIGN, IT WOULD BE A REFUSAL TO PARTICIPATE CLASS ONE WRITE-UP. AT THIS TIME I WAS CONFUSED AND TRIED TO EXPLAIN TO THE COUNSELORS (RAE BALLARD & DREAMA SZUTENBACH) THAT OTHER RECOMMENDATIONS HAD BEEN MADE ON 9-2-05 AND THAT I HAD NO PROOF OF WHAT THE C.I.C.C. APPROVED ME FOR YET. I ALSO STATED THAT I WAS NOT REFUSING TO PARTICIPATE, BUT I ALSO WAS NOT SIGNING A THING UNTIL I KNEW WHAT WAS GOING ON. MRS. BALLARD SAID SHE SHOULD TALK TO HER SUPERIORS AND AFTER A FEW MINUTES RETURNED STATING THAT SHE WAS INFORMED THAT I WAS ONLY CLASSIFIED TO THE GREENTREE AND IF I STILL REFUSED TO SIGN, I WOULD BE TAKEN TO A.S.D.A. (HOLDING CELL) TO AWAIT THE WRITE-UP AND DISCIPLINARY HEARING. I FOUND IT HARD TO BELIEVE THAT I WAS ONLY CLASSIFIED TO GREENTREE, SO I DECLINED TO SIGN AND WAS THEN TAKEN TO A.S.D.A..

- (5)- 9-14-05, I RECEIVED THE DISCIPLINARY REPORT FOR THE VIOLATION: 1.29 REFUSAL TO PARTICIPATE IN CLASSIFIED TREATMENT PROGRAMS. THIS WAS FILED BY COUNSELOR TERRY MILLER ON 9-12-05.
- (6)- 9-15-05, I EXPLAINED MY SITUATION, BUT TO NO AVAIL. HEARING OFFICER LT. MELVIN HENNESSY FOUND ME GUILTY BASED ON THE COUNSELORS REPORT. AT THIS POINT I BELIEVE THEY HAD ME IN A CATCH 22 SITUATION AND SAW NO GAIN IN APPEALING. SANCTION BEGAN LATER THAT DAY. TEN DAYS ISOLATED CONFINEMENT FOLLOWED BY EIGHTY DAYS LOSS OF ALL PRIVILEGES.
- (7)- 9-21-05, TO MY SURPRISE - I RECEIVED MY NOTICE OF CLASSIFICATION ASSIGNMENT. TWO THINGS I NOTICED RIGHT OFF. FIRST, THEY LIED. THREE OTHER RECOMMENDATIONS BESIDES GREENTREE WERE APPROVED. SECONDLY, THE C.I.C.C. DID NOT OFFICIAL APPROVE THEM UNTIL 9-14-05. THEREFORE I WAS NOT TECHNICALLY CLASSIFIED TO THE GREENTREE ON 9-12-05. THE CHARGE I RECEIVED AND FOUND GUILTY OF - REFUSAL TO PARTICIPATE IN CLASSIFIED TREATMENT PROGRAMS WAS UNJUST AND FALSE.
- (8)- 9-28-05, I FILED A GRIEVANCE
- (9)- 10-26-05, I WAS RECLASSIFIED BY TERRY MILLER. I HAD TWO POINTS AT MINIMUM STATUS. HE GAVE ME 7 POINTS FOR THE WRITE-UP WHICH PUT ME AT MEDIUM STATUS WITH 9 POINTS. I ALSO TOLD HIM I FILED A GRIEVANCE BECAUSE OF HIS FALSE CHARGE ON ME. WITH NO INTEREST HE REPLIED IF THEY REVERSE IT - THEY WILL LET ME KNOW.
- (10)- 10-27-05, GRIEVANCE IS RETURNED AND WAS DEFINED AS NON-GRIEVABLE BY S/RT. ATALLIAN
- (11)- 10-30-05, HOPING TO COME TO A REASONABLE SOLUTION BEFORE FILING A LAW SUIT. I WRITE WARDEN RICK KEARNEY.

- (12)- 11-3-05, I RECEIVED A MEMORANDUM FROM WARDEN KEARNEY. I ALSO BELIEVE MRS. PAT DITTO RECEIVED A COPY. SHE IS HEAD OF CLASSIFICATION. THE LAST LINE OF THE MEMO READS "THE FACT THAT THE CLASSIFICATION WAS NOT FINALIZED UNTIL 9-14-05 HAS NO BEARING ON YOUR REFUSAL TO PARTICIPATE."
- (13)- AGAIN I TRIED TO FIND A REASONABLE SOLUTION BEFORE FILING SUIT BY TALKING TO MY COUNSELOR AT MEDIUM, MR. JAMES DEEL (WHO WAS PRESENT AT THE I.C.R.) WAS NO HELP AT ALL. AT THIS POINT I BELIEVE THAT THESE PEOPLE KNOW THEY ARE WRONG BUT CHOOSE TO IGNORE THE SITUATION AT MY EXPENSE.
- (14)- CLASSIFICATION PROCEDURES, ACCORDING TO A PROCEDURE MANUAL IN THE LAW LIBRARY A SECTION TITLED - RECEPTION AND DIAGNOSTIC UNIT PROCESS & CLASSIFICATION PROCEDURES NUMBER 3.31A, NOT ONE OF THE COUNSELORS OR D.O.C. STAFF ASSOCIATED WITH CLASSIFICATION IN MY CASE FOLLOWED THESE PROCEDURES BY THE NUMBERS AND SOME NOT AT ALL. THE IRRESPONSIBILITY OF THESE PEOPLE RESULTED IN MY RECEIVING A UNJUST & FALSE CHARGE WHICH I WAS FOUND GUILTY OF. THIS HAS AFFECTED MY WHOLE SENTENCE, FROM MY MINIMUM STATUS TO A FLOW DOWN TO WORK RELEASE, EVEN MY PAROLE AND ALSO MY HEALTH.

2. TO BE AWARDED \$20,000 FROM EACH DEFENDANT (KEARNIGY, DITTO, MILLER, DEEL, THOMAS, HENNESSY)  
(1) NOT FOLLOWING THE CLASSIFICATION PROCEDURES WHICH RESULTED IN THE FALSE CHARGE  
(2) AFTER HAVING KNOWLEDGE THAT I WAS NOT OFFICIAL CLASSIFIED AT THE TIME THEY CHOSE NOT TO CORRECT THE SITUATION
3. TO HAVE MY CLASSIFICATION STATUS RETURNED TO MINIMUM AND THE CHARGE REMOVED

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 16 day of MARCH, 2006.

Glen Sloman  
(Signature of Plaintiff 1)

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(Signature of Plaintiff 2)

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(Signature of Plaintiff 3)

IM: GLEN SLOMAN BLDG. M②-A  
SUSSEX CORRECTIONAL INSTITUTION  
P.O. BOX 500  
GEORGETOWN, DELAWARE 19947  
S&I # 023536

Clerk - U.S. District Court  
LOCKBOX 18  
844 N. KING STREET  
WILMINGTON DE.  
19801

